

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM-D-160

July 29, 1983

MEMORANDUM FOR: Director, Intelligence Community Staff

FROM:

[redacted]
Chairman

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SUBJECT: Letter to Judge Clark re NSDD-84

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1. This memorandum details follow-up action on the DCI's letter to Judge Clark.

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2. Around 1700 hours on 28 July 1983, [redacted] Associate General Counsel, advised me that the DCI's letter to Judge Clark regarding the non-disclosure agreement (NdA) for SCI mandated by NSDD-84 had been sent out. Richard Willard, Deputy Assistant Attorney General, had received a copy of the letter and called [redacted]. After expressing his annoyance about the letter, Mr. Willard reportedly told [redacted] he would be willing to support DCI promulgation of the NdA, provided the wording formulated by the interagency working group remained untouched. He asked that I call him that day and agree to those terms.

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3. [redacted] and I sought the advice of the DDCI. Mr. McMahon was not available, and we explained the situation to [redacted]. It was explained that the working group's NdA could be lived with but that protection of DCI "turf" was the primary consideration. [redacted] called me later to advise that the DDCI would accept the compromise provided nothing in the current draft NdA was likely to cause problems later on and that the DCI's authorities were preserved.

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4. I then called Mr. Willard. He acknowledged the DCI's statutory authority for protection of sources and methods but expressed displeasure that the matter was not surfaced until several months had been spent by an inter-agency working group in negotiating a standardized agreement. I expressed regret that the issue had not been raised sooner and advised him that the sole objective of the DCI's letter was to preserve the DCI's status as the maker of rules for the security of intelligence sources and methods and, specifically, sensitive compartmented information. He indicated that if the DCI had the intention of substantially modifying the nondisclosure agreement, then he, Kenneth de Graffenreid and Robert Kimmit would seriously oppose any favorable response to the DCI's letter. Mr. Willard said he opposes any effort to change the current draft because it would provide an opportunity for opponents of a strong agreement to try again to weaken the NdA. It was explained that long-range considerations made it essential that this administration not set a

precedent that some future administration could cite in assigning DCI functions to some other official or organization.

5. I advised him that the DDCI was willing to accept the current wording of the SCI nondisclosure agreement proposed by the interagency working group provided it was promulgated under DCI authority with recognition that the DCI is responsible for the security of SCI. Mr. Willard was reminded that the DCI had vigorously supported the Willard Report and remains committed to improving the security of classified intelligence. After indicating acceptance of this compromise, he pointed out that there is a commitment to send the text of the final draft nondisclosure agreement to agency heads for comment and then it will be sent by the NSC to the DCI for promulgation.

6. I plan to request a meeting with Mr. Willard at which and I can explore the mechanics of how the Nda will be promulgated. Further details will be provided as they develop.

cc: EA/DDCI

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